

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 16829 of 2004

Between:

N. Nagarajamma, W/o. Late K. Ramachandra Reddy,
R/o. S.K.D. Nagar, Tirupathi, Chittoor District.

... PETITIONER

AND

- 1 The Commissioner & Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad.
- 2 The Tirupathi Cooperative Bank Limited, Tirupathi, Rep. by its Managing Director.
- 3 The Enquiry Officer-cum-Divisional Cooperative, Officer, Chittoor.
- 4 The Divisional Co-operative, Officer, Tirupathi, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly a Writ in the nature of Mandamus, declaring the proceedings in TCB/ADMN/2004-2005 dated 28-6-2004 of the 2nd Respondent as being illegal, arbitrary, violative of principles of natural justice and fair play and also violative of Articles 14,16 and 21 of the Constitution of India and set aside the same.

Counsel for the Petitioner: Mr.C.A.RSESHAGIRI RAO

Counsel for the Respondents: GP FOR COOPERATION

The Court at the admission stage made the following:

Oral Order:

The petitioner is working as a Peon in the respondents—Bank from 31-12-1998. She was appointed to the cadre of Peons by direct recruitment. A show cause notice was issued to her on 13-3-2002 in pursuance of an enquiry under Section 51 of the A.P. Cooperative Societies Act, 1964 asking her to explain as to why she should not be removed from service. On 15-3-2002 the petitioner gave a reply to the said notice. The respondents kept quiet for a period of two years without making any enquiry into the matter. The respondents now passed the impugned order on 28-6-2004 keeping the petitioner under suspension pending enquiry and further action against her.

In a similar writ petition covered by W.P.No.11203 of 2004, a learned single Judge of this Court allowed the said writ petition and passed the following order on 23-7-2004:

Having regard to the fact that show cause notice was issued to the petitioner as far back as on 13-3-2002, it was not proper on the part of the third respondent to issue the impugned order placing the petitioner under suspension, after lapse of more than two years from the date of issuance of show cause notice. Insofar as enquiry as regards the date of birth of the petitioner is concerned, it is open for the respondents to proceed with the same, without placing the petitioner under suspension.

In the result, the writ petition is allowed. The impugned order placing the petitioner under suspension, pending enquiry into the charges leveled against him, is quashed and set aside. The respondents shall complete the enquiry against the petitioner in accordance with law expeditiously, after providing reasonable opportunity of hearing to him. No costs.

I concur with the view expressed by the learned single Judge. The impugned order dated 28-6-2004 placing the petitioner under suspension is set aside. The respondents are at liberty to conduct an enquiry against the petitioner according to rules and the provisions of the Act, and pass appropriate orders, after giving opportunity to the petitioner, as expeditiously as possible.

The writ petition is accordingly allowed.

(Dr.G. Yethirajulu, J)

17th September 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Commissioner & Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad.
- 2 The Tirupathi Cooperative Bank Limited, Tirupathi, Rep. by its Managing Director.
- 3 The Enquiry Officer-cum-Divisional Cooperative, Officer, Chittoor.
- 4 The Divisional Co-operative, Officer, Tirupathi, Chittoor District.
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